

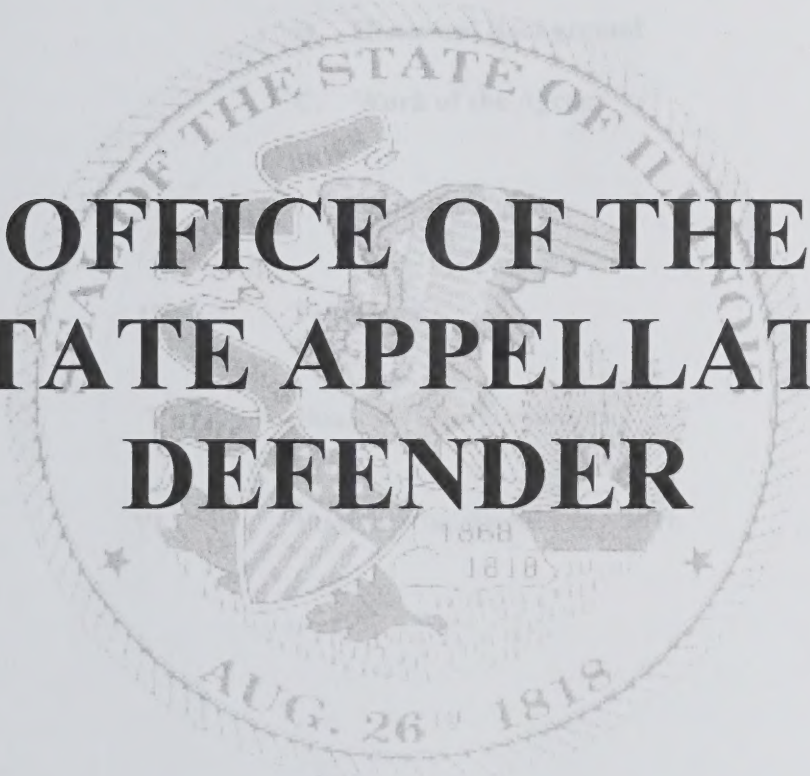
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# Annual Report Fiscal Year - 2016

The seal of the State of Illinois is faintly visible in the background. It features an eagle with a shield on its chest, holding an olive branch and arrows. The words "OFFICE OF THE STATE OF ILLINOIS" are written around the top of the seal, and "AUG. 26 1818" is at the bottom.

## **OFFICE OF THE STATE APPELLATE DEFENDER**

**MICHAEL J. PELLETIER**

**STATE APPELLATE DEFENDER**



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## ANNUAL REPORT FISCAL YEAR-2016

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## **I. FISCAL YEAR-2016 ACTIVITIES**

### **Board of Commissioners**

Commissioner Judge Dennis Middendorff's term on the Board expired on May 18, 2015. The Fifth District Appellate Court appointed retired Fifth District Appellate Court Justice James K. Donovan to a six-year term effective July 2, 2015, to succeed Judge Middendorff.

The Fall Board of Commissioners' meeting to approve the budget was not held because there was no budget to approve. Pursuant to a court order, the agency continued to be funded under a continuing appropriation.

The Board of Commissioners met via teleconference on Wednesday, March 23, 2016, and the Board approved the proposed FY-2017 budget in the amount of \$21,780,211 which represented a decrease of \$119,989 of the FY-2016 budget request. The proposed budget request would provide for the following:

- Full staffing of the agency;
- Increase the pay plan for all titles;
- Continuation of the Public Defender Training Program;
- Implementation of the Juvenile Defender Resource Center;
- Implementation of the Law Student Intern Program;
- Implementation of the a Rural Defense Services Project via an interagency agreement with the Illinois Criminal Justice Information Authority.

### **Committees**

State Appellate Defender Michael J. Pelletier, continued to serve as a member of the Commissions, Boards and Task Forces for which he is statutorily designated. He attended the quarterly meetings of the Illinois Criminal Justice Information Authority as a Board member. He continued to attend the meetings of the Sentencing Policy Advisory Council and Adult Redeploy Illinois. He also attended meetings of the Illinois State Commission on Criminal Justice and Sentencing Reform comprised of more than two dozen criminal justice practitioners, lawmakers and policymakers established by Governor Rauner in February 2015. The Commission is charged with developing comprehensive, evidence-based strategies to meet the goal of reducing the Illinois' prison population 25% by 2025.

### **Public Defender Seminars**

On July 24, 2015, the Office of the State Appellate Defender presented a downstate one-day trial skills seminar "Crossing the Cop and the Eyewitness: Suppressing Drugs and Guns and Winning Cases" at the University of Illinois Springfield. This free program, including workshops



focusing on basic motions to suppress and eyewitness identification cross examination advocacy skills, was attended by 18 downstate assistant public defenders from 12 counties and one participant from Northwestern Law School's Bluhm Legal Clinic.

On October 16 & 17, 2015, the Illinois Public Defender Association presented its 2015 IPDA Fall Seminar at the Hilton Springfield. The seminar was attended by 152 people, including 112 public defenders from 42 counties and 24 attorneys from the Office of the State Appellate Defender. The Illinois Public Defender Association offered 7.5 hours of General MCLE credit, including up to 5 hours of Professional Responsibility credit for this seminar.

The 32nd annual Illinois Public Defender Voir Dire Workshop and Trial Advocacy Program was again held at the IIT-Chicago Kent College of Law in Chicago from Monday, March 14, through Friday, March 18, 2016. This week-long, statewide public defender trial advocacy training program was attended by 35 participants representing 13 Illinois counties, including Cook, the "collar" counties and 8 other Illinois counties.

Again this year, in order to continue to make this program affordable for the participating counties, the Office of the State Appellate Defender, using its public defender training budget, provided the program registration fee for all 35 registrants and the travel and lodging expenses for 9 of those participants from distant counties who otherwise would not have been able to attend.

On May 13 & 14, 2016, the Illinois Public Defender Association presented its 2016 IPDA Spring Seminar at the Wyndham Springfield City Centre Hotel. The seminar was attended by 166 participants, including 119 public defenders from 45 counties, 33 attorneys from the Office of the State Appellate Defender and 14 speakers. The Illinois Public Defender Association offered 7.5 hours of General MCLE credit, including up to 5.5 hours of Professional Responsibility credit for the seminar.

On June 24, 2016, the Office of the State Appellate Defender, in conjunction with the Illinois Public Defender Association, presented a one-day regional public defender seminar "Trial Skills: Leadership Training" at Loyola University Chicago School of Law. This free program, aimed at public defender supervisors and attorneys from the Cook and collar county public defender offices, included presentations and discussion on the techniques for improving public defender advocacy and workshops focusing on effective advocacy skills teaching critiques. Thirty-seven public defender supervisors and attorneys from five counties, including 28 from the Cook County Public Defender's office attended the seminar.

### **State Appellate Defender Reappointed**

On November 18, 2015, the Illinois Supreme Court, effective January 1, 2016, reappointed Michael J. Pelletier State Appellate Defender to another term expiring on December 31, 2019, and until a successor is appointed and qualified.



### **Caseload Statistics**

In Fiscal Year-2016, the agency was appointed to 2,755 new cases, 373 fewer cases than Fiscal Year-2015. During Fiscal Year-2016, the agency disposed of 2,411 cases, 270 cases fewer than Fiscal Year-2015.

	<u><b>FY-15</b></u>	<u><b>FY-16</b></u>
Appellate Court Briefs	1522	1403
Illinois Supreme Briefs	20	9
Anders Briefs Granted	374	110
Finley Motions Granted		237
Motions to Withdraw or Dismiss Granted	551	483
Summary Motions Filed	<u>214</u>	<u>169</u>
Total Dispositions	2681	2411

### **Intranet Site**

Established in Fiscal Year-2008, the agency continues to use the OSAD Information Center as the primary tool for communicating to agency staff information including legal work, legal resources, human resources, fiscal matters and general policies and practices. The agency's extensive use of the site supports the State's "Go Green" initiatives. In FY-2016, OSAD redesigned its intranet site and added an extensive Training Center for attorneys where Legal Issues and Attorney Procedures are documented.

### **Internet Web Site**

The agency continues to provide the public with information regarding training programs and publications, including the *Illinois Criminal Law Digest*, *Handbook on Briefs and Oral Arguments*, Summary of Issues Pending in the Illinois Supreme Court and annual reports from prior years.

The agency also continues to provide extensive, timely information regarding the state's expungement process. The site includes easy to follow questionnaires which allow anyone to determine whether or not he or she is eligible to expunge or seal his or her record.

Finally, as part of our commitment to provide public defenders with resources for sharing information, the agency established the "Public Defender Resource Center," a place where public defenders can discuss issues, ask questions and share documents.

The Appellate Defender site is located at <http://www.illinois.gov/osad>

### **Illinois Criminal Justice Information Authority Grants**

During Fiscal Year-2016, the agency was the recipient of one grant from the Illinois Criminal Justice Information Authority.



**Specialized Defense Initiatives formerly Systemic Sentencing Appeals Cases** - In October 2003, the agency began receiving a grant continuing the employment of a unit of assistant appellate defenders to work exclusively on sentencing issues. In FY-2016 the grant in the amount of \$202,164 of which \$151,623 were federal funds, continued to provide funding for three attorneys.

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## **II. THE AGENCY**

### **A. Introduction**

The Office of the State Appellate Defender is a State of Illinois agency created by the State Appellate Defender Act (725 ILCS 105). The primary function of the agency is stated in §105/10 of the Act:

*"The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State."*

The Office of the State Appellate Defender does not initiate or generate the criminal appeals it handles. Criminal appeals are brought by defendants convicted of crimes and the Agency does not appear as counsel on an appeal until appointed to do so by a court, which makes the determination that the defendant is indigent and qualifies for the agency's services.

Pursuant to the State Appellate Defender Act (§105/9), the agency maintains an office in each of the five Judicial, or Appellate Court, Districts in Illinois. There is an Appellate Court and an Appellate Defender District Office in Chicago, Elgin, Ottawa, Springfield and Mt. Vernon. The agency has its Administrative Office in Springfield. Each District Office has a Deputy Defender who is responsible for the administration and supervision of that office.

In 1986, the Office of the State Appellate Defender was nominated to receive the Clara Shortridge Foltz Award. This award is given jointly by the American Bar Association and the National Legal Aid and Defender Association for outstanding achievements in providing criminal defense services by a defender office. The award is named for the founder of the nation's public defender system. In October 1986, the Office of the State Appellate Defender was presented the Clara Shortridge Foltz Award for "dedicated service and outstanding achievements in the delivery of criminal defense services." The Agency received numerous letters in support of its nomination.

### **B. Historical Background**

In 1956, the United States Supreme Court held that the State of Illinois had the constitutional obligation to provide a trial court transcript, without cost, to indigent defendants for criminal appeals (*Griffin v. Illinois*, 351 U.S. 12). In 1963, the Court held that indigent defendants had the constitutional right to have an attorney appointed to represent them in their criminal appeals. (*Douglas v. California*, 372 U.S. 353; *Milani v. Illinois*, 386 U.S. 12). In 1985, the Court further held that there is a constitutional right to the effective assistance of counsel in a criminal appeal. (*Evitts v. Lucey*, 469 U.S. 387).



The Illinois Constitution provides for the right to appeal (Art. VI, §6) and this right has been implemented by both legislation (725 ILCS 5/121-13, 725 ILCS 105/1) and Illinois Supreme Court Rules (Rules 607 and 605).

In the late 1960's, a statewide survey funded by the Illinois Law Enforcement Commission was conducted by the Illinois Public Defender Association to ascertain the needs of indigent criminal defendants in Illinois. This study, which included personal interviews with judges, State's Attorneys and defense lawyers, found that there was an urgent need for experienced, qualified lawyers in criminal appeals, including a need to change the manner in which lawyers for indigent criminal appeals were provided. In an attempt to meet some of the needs disclosed by the study, the Illinois Law Enforcement Commission awarded a grant, effective January 1, 1970, to create the Illinois Defender Project. This grant provided for regional appellate defender offices in the Second, Third, Fourth, and Fifth Judicial, or the Appellate Court, Districts. During its three years of existence, the Illinois Defender Project was appointed in about 2,000 criminal appeals and maintained a consistently excellent record of performance.

In an attempt to continue the work of the Illinois Defender Project and meet the need for appellate counsel in criminal appeals, a bill was introduced in the Illinois Legislature to create a state-wide Appellate Defender Office. This bill, the "State Appellate Defender Act," was signed into law by Governor Ogilvie on August 18, 1972, and became effective on October 1, 1972. The Illinois Supreme Court appointed Theodore A. Gottfried as the first State Appellate Defender in December 1972, and he had been reappointed every four years thereafter. He retired after 35 years on December 31, 2007.

The Office of the State Appellate Defender presently represents virtually all indigent criminal appellants in Illinois. If the Office of the State Appellate Defender is not appointed to represent an indigent defendant in a criminal appeal, the respective counties are required to pay the cost for appointed counsel on appeal.

In a criminal appeal, the Office of the State Appellate Defender serves on the defense side of the case, as the counterpart of the Illinois Attorney General's Office (which represents the prosecution in the Illinois Supreme Court), the State's Attorney's Appellate Prosecutor, and the various State's Attorneys.

### **Capital Cases**

From June 21, 1977, to June 30, 2011, a statute allowing the imposition of the death penalty was in effect in Illinois. This statute, as well as the Illinois Constitution and Illinois Supreme Court Rules, required an automatic appeal to the Illinois Supreme Court in all cases in which a person was sentenced to death. The representation of a person sentenced to death was an awesome responsibility, requiring extraordinary legal knowledge and meticulous preparation. The consequences of less than the highest quality of legal representation were obvious and irreversible.



The United States Supreme Court pointed out that the death penalty is not merely a more severe sentence, but it is an entirely different kind of sentence, requiring special procedures. For example, Chief Justice Burger, in *Lockett v. Ohio*, 438 U.S. 586 (1978), stated: "We are satisfied that this qualitative difference between death and other penalties calls for a greater degree of reliability when the death sentence is imposed."

The Illinois Legislature also recognized the substantial difference between the death penalty and other criminal penalties. The death penalty statutes required unique sentencing procedures, including a hearing before a jury, an eligibility phase at which a statutory aggravating factor must be proved beyond a reasonable doubt, an aggravation-mitigation phase at which the jury is required to weigh all aggravating evidence and all mitigating evidence, and the imposition of the death sentence only by a unanimous jury verdict. Additionally, the Illinois Supreme Court treated death penalty cases differently by providing for automatic perfection of such appeals, allowing appointment of two lawyers giving priority to death penalty cases over all others, and by permitting a death sentence to be carried out only by final order of the Supreme Court.

Appeals in death penalty cases were more difficult and time consuming than non-capital appeals. Capital cases usually consisted of records which were extremely large, frequently containing thousands of pages. Most capital cases involved lengthy jury trials, with many motions, objections and evidentiary disputes. The jury selection procedure in most capital cases was much longer because the prospective jurors were "death penalty qualified," and the parties were entitled to twice as many peremptory challenges.

The sentencing hearing in capital cases was similar to a trial itself. It was usually held before a jury (whereas sentencing hearings in other cases are not) and generally involved the calling of numerous witnesses and lengthy testimony pertaining to the entire background of the defendant. Additionally, capital sentencing hearings contained many motions and arguments concerning the interpretation and application of the death penalty statute, constitutional issues, and questions concerning the type of aggravation and mitigation evidence that may have been introduced.

In non-capital appeals there is rarely an issue pertaining to the selection of the jury and seldom more than a single issue concerning sentencing; however, in capital cases there were numerous issues involving the selection of the jury and the sentencing hearing.

The difference in difficulty between capital and non-capital appeals can be illustrated by the written decisions of the Illinois Supreme Court. In capital cases, unless the Court reversed the case on a single issue or two, the opinions were normally twenty pages or more -- sometimes thirty or forty pages. In non-capital cases, the Supreme Court opinions are usually less than ten pages. For example, in non-capital criminal cases decided by the Court in 1986, only two opinions were more than ten pages and twelve opinions were six pages or less. Additionally, the Supreme Court generally issues opinions in non-capital cases in the term of court immediately following the term in which the case was orally argued. In capital cases, due to their difficulty, the opinions were usually issued at least three or four terms later.



The Office of the State Appellate Defender recognized and confronted the difficult and unique responsibility of representing individuals sentenced to death. In 1977 the agency initiated a procedure to assure the highest quality of representation for all clients sentenced to death. A group of six experienced agency lawyers was organized to become thoroughly knowledgeable of all aspects of the death penalty. This death penalty group engaged in extensive research, kept abreast of court decisions and legislation dealing with the death penalty, prepared numerous detailed memorandums, and organized a large amount of materials. The materials prepared and assembled by the death penalty group proved to be extremely valuable in assisting lawyers and saving them many hours of research time in the handling of death penalty cases at both the trial and appeal level.

It was originally envisioned that the death penalty group of lawyers would handle, quickly and effectively, all death penalty appeals to which the agency was appointed. However, due to the time and difficulty involved in such appeals and the increase in agency appointments, it became clear that this group of lawyers could not handle all of the death penalty cases. Thus, death penalty appeals were assigned to various experienced lawyers in the agency's district offices, with two lawyers assigned to each case.

### **Supreme Court Unit**

In Fiscal Year-1983, the agency received funding to establish a Supreme Court Unit. This Unit, a separate office similar to a District Office, was located in Springfield and was assigned to and had the primary responsibility for death penalty cases. The lawyers in the Supreme Court Unit handled death penalty appeals and maintained a thorough knowledge of death penalty matters as well as assisted other Agency lawyers who were assigned to death penalty appeals. On March 9, 2011, Governor Pat Quinn signed legislation to abolish the death penalty effective July 1, 2011. As a result of the abolition of the death penalty, the Supreme Court Unit closed its doors on April 15, 2011.

### **Capital Trial Assistance Unit**

The Capital Trial Assistance Unit (formerly known as the Death Penalty Trial Assistance Unit) came into existence on January 1, 2000. It was created by an amendment to the State Appellate Defender Act, providing that the State Appellate Defender may in cases where a death sentence was an authorized disposition, provide trial counsel with the assistance of legal counsel, expert witnesses, investigators and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly 725 ILCS 105/10(c)(5). The mission of this office was to ensure that indigent defendants facing the death penalty received the assistance of zealous, dedicated attorneys armed with resources adequate to properly investigate and defend their cases at trial and at sentencing. As a result of the abolition of the death penalty, the Capital Trial Assistance Unit, with offices in Chicago, Springfield, and Belleville, also closed its doors on April 15, 2011.

## **Capital Post-Conviction Unit**

The Supreme Court Committee on Post-Conviction Representation in Death Penalty Cases presented its final report to the Supreme Court in November 1988. The report recommended a new division of the State Appellate Defender to coordinate and provide support to appointed lawyers who provide representation in these cases.

In the Fall Session of 1989, legislation was passed and funds were appropriated by the State of Illinois and the Federal Government to establish the Capital Resource Center. The Capital Resource Center recruited and maintained a panel of private attorneys willing to represent death row inmates in post-conviction proceedings. Illinois attorneys responded enthusiastically to participating on the Panel of Attorneys. Federal funding for the Capital Resource Center ceased in Fiscal Year-1996. As a result, the office was renamed the Capital Litigation Division of the Office of the State Appellate Defender. Effective January 1, 2005, the Capital Litigation Division was renamed the Post Conviction Unit, and on May 1, 2008, the Post Conviction Unit was renamed the Capital Post-Conviction Unit. Although the death penalty was abolished effective July 1, 2011, and the governor commuted the sentences of the 15 individuals sentenced to death, the Office of the State Appellate Defender received state funds for FY-2012 to complete work on what were then non-capital post-conviction cases. On June 30, 2012, at the conclusion of FY-2012, the Capital Post-Conviction Unit was closed.

## **C. Work of the Agency**

### **Generally**

Any indigent defendant convicted of a felony or a Class A misdemeanor or other offense in which imprisonment is imposed, and any minor adjudicated as delinquent, is entitled to the services of the Office of the State Appellate Defender upon appointment by a court. The appeal process normally commences when the defendant files a notice of appeal in the Circuit Court. The Record on Appeal is then prepared. The Record on Appeal includes a verbatim transcript of the proceedings (such as testimony of witnesses, arguments of counsel, rulings by the judges, etc.) and all documents filed in the case (such as indictments or information, written motions, jury instructions and verdicts, etc.).

Upon the agency's appointment as appellate counsel, the appeal is assigned to an Assistant Appellate Defender. This lawyer must then read the entire Record on Appeal in order to become totally familiar with all of the proceedings which occurred in the Circuit Court - ranging from pre-trial matters, the trial itself, post-trial motions, and the sentencing stage. Occasionally, certain portions of the record are missing and the lawyer must obtain such missing portions. In order to ensure that no possible legal issue is overlooked, the lawyer interviews the client and communicates with the trial lawyer.

After a complete and careful reading of the Record on Appeal, the lawyer must note and research every potential legal issue which might be raised on appeal. Once the issues, along with



the authority in support of the issues, are decided upon, the lawyer begins the preparation of the appellant's opening brief. The brief must include several specific sections, which are required by Ill.Sup.Ct. Rules 341 and 342 - Points and Authorities, Nature of the Case, Issues Presented for Review, Jurisdiction, Statutes Involved, Statement of Facts, Argument, Conclusion and Appendix. The preparation of the brief requires a thorough understanding of the Circuit Court proceedings - pleadings, motions, objections, rulings, testimony, exhibits, and arguments, contained in the Record on Appeal (the transcript is often lengthy because about 200 typewritten pages are required for each day of trial). The appellant's brief is required to contain a complete and accurate description of all facts relevant to the appeal. Additionally, legal arguments in the brief must be supported by the citation and discussion of authority, such as statutes, decisions of the Illinois Supreme and Appellate Courts, decisions of the United States Supreme Court, or decisions of courts in other jurisdictions.

When a draft of the brief is completed, it is reviewed by the Deputy Defender or a Supervisor. The reviewing lawyer reads the draft brief to ensure that it contains all relevant facts and covers every possible legal argument and legal authority accurately and in proper form. The reviewer may suggest that changes be made. Upon final review and approval by the reviewer, the brief is prepared in final form and filed in the reviewing court.

When a conscientious examination of the Record on Appeal and thorough research reveal that any issues that could be raised on appeal are wholly frivolous and without merit, the agency files an *Anders* brief. Such a brief, named after the decision in *Anders v. California*, 386 U.S. 738 (1967), requests permission to withdraw from the appeal and includes a supporting document explaining the facts and legal authorities concerning why there are no arguable appellate issues. Before an *Anders* brief is filed, the appeal is subjected to intensive review to ensure that it is, in fact, meritless. Every year, there are *Anders* briefs filed by the agency.

After the agency's opening appellant brief is filed, the prosecution then prepares an appellee's brief. Following the filing of the appellee's brief, the agency lawyer may file a reply brief, which responds to the arguments and authorities presented by the prosecution in the appellee's brief.

Once the briefs have been filed, an appeal may then be scheduled for oral argument. After oral argument, the appeal is then taken under advisement and a written opinion or order is prepared by the court.

Following the decision of the Appellate Court, either party may file a Petition for Rehearing and may ultimately seek review in the Illinois Supreme Court by filing a Petition for Leave to Appeal. When the Supreme Court grants a Petition for Leave to Appeal, additional briefs are usually required and oral argument is presented. After oral argument, the case is taken under advisement and a written opinion or order is prepared. A Petition for Rehearing may then be filed by either party.

To ensure that agency clients receive high quality and prompt representation, the Agency has implemented lawyer productivity standards. Every document filed by agency lawyers is

expected to be "of the highest quality, filed in a timely manner, and in full compliance with applicable court rules." (Office of the State Appellate Defender, Policies and Procedures Manual (2009) Ch. 37, A, 4 a.) Additionally, the agency has implemented "Minimum Work Standards." (Policies and Procedures Manual (2009) Ch. 37, A, 4 b.)

### **Expungement Unit**

Created by statutes 20 ILCS 2630/11 and 725 ILCS 105/10.6, the Expungement Unit provides information on the expungement and sealing process in Illinois. General instructions, all necessary court forms and links to other useful information are all available on the agency web site: <http://www.illinois.gov/osad/expungement>. Every effort is made to ensure the forms and instructions are current with Illinois law. The Expungement Unit also maintains a toll-free hotline, (866) 787-1776, as well as email availability for those seeking information on expungement and sealing. The email address is [expungement@osad.state.il.us](mailto:expungement@osad.state.il.us) and the mailing address is PO Box 5240, Springfield, IL 62705-5240

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## **III. OFFICES OF THE AGENCY**

### **A. Administrative Office**

The Administrative Office of the agency is located at 400 West Monroe, Suite 202, in Springfield. The Administrative Office provides supervision and assistance to the agency's offices and maintains the agency records, such as payroll, purchasing, inventory and employee personnel files. The Administrative Office prepares and distributes various materials which record and assist the work of the agency. Such materials include: a comprehensive Annual Report; detailed monthly and annual statistics; the *Illinois Criminal Law Digest* (a summary of significant court decisions available monthly on our intranet site to agency lawyers and on our web site to public defenders); the *Illinois Handbook of Criminal Law Decisions* (a summary of hundreds of court decisions arranged under more than 400 topics and published in cooperation with the Illinois State Bar Association); an Employee Manual; the *Handbook on Briefs and Oral Arguments*; as well as other educational and training materials. The Administrative Office also maintains an electronic brief bank containing the briefs filed by agency lawyers.

### **B. First District Office**

The First District Office of the Agency is located at 203 North LaSalle, 24<sup>th</sup> Floor in Chicago. Patricia Mysza is the Deputy Defender.

During Fiscal Year-2016, the First District Office received appointment to 1373 cases and filed 837 Appellate Court briefs, 250 Petitions for Leave to Appeal to the Illinois Supreme Court,



4 Illinois Supreme Court briefs, one 7th Circuit Court Brief, 7 Petitions for Writ of Certiorari to the United States Supreme Court, 71 Anders briefs, 157 Finley Motions, 32 Motions to Withdraw, 125 Motions to Dismiss and 62 Summary Motions. Oral argument was held in 90 Appellate Court cases and 15 Illinois Supreme Court cases.

**C. Second District Office**

The Second District Office is located at One Douglas Avenue, 2<sup>nd</sup> Floor in Elgin. Thomas A. Lilien is the Deputy Defender.

During Fiscal Year-2016, the Second District Office received appointment to 379 cases and filed 195 Appellate Court briefs, 31 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 3 Petitions for Writ of Certiorari to the United States Supreme Court, 28 Anders briefs, 36 Finley Motions, 26 Motions to Withdraw, 43 Motions to Dismiss and 38 Summary Motions. Oral argument was held in 41 Appellate Court cases and 3 Illinois Supreme Court cases.

**D. Third District Office**

The Third District Office is located at 770 E. Etna Road. Peter A. Carusona is the Deputy Defender.

During Fiscal Year-2016, the Third District Office received appointment to 345 cases and filed 130 Appellate Court briefs, 23 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Illinois Supreme Court brief, 1 Petition for Writ of Certiorari, 10 Anders briefs, 24 Finley Motions, 20 Motions to Withdraw, 73 Motions to Dismiss and 16 Summary Motions. Oral argument was held in 33 Appellate Court cases and 4 Illinois Supreme Court cases.

**E. Fourth District Office**

The Fourth District Office is located at 400 West Monroe Street, Suite 303, in Springfield. Jacqueline L. Bullard is the Deputy Defender.

During Fiscal Year-2016, the Fourth District Office received appointment to 446 cases and filed 168 Appellate Court briefs, 29 Petitions for Leave to Appeal to the Illinois Supreme Court, 2 Illinois Supreme Court briefs, 1 Anders brief, 8 Finley Motions, 16 Motions to Withdraw, 104 Motions to Dismiss and 36 Summary Motions. Oral argument was held in 37 Appellate Court cases and 3 Illinois Supreme Court cases.

**F. Fifth District Office**

The Fifth District Office is located at 909 Water Tower Circle in Mt. Vernon. Ellen J. Curry is the Deputy Defender.

During Fiscal Year-2015, the Fifth District Office received appointment to 212 cases and

filed 73 Appellate Court briefs, 13 Petitions for Leave to Appeal to the Illinois Supreme Court, 1 Petition for Writ of Certiorari, 3 Anders briefs, 15 Finley Motions, 15 Motions to Withdraw, 32 Motions to Dismiss and 17 Summary Motions. Oral argument was held in 32 Appellate Court cases and 1 Illinois Supreme Court case.

#### **G. Expungement Unit**

OSAD's expungement unit receives an average of 125 emails per month, 125 phone calls to the hotline, and 200 phone calls per month requesting information about expungement and sealing of records. An average of 245 information packets a month are sent to Illinois residents requesting forms and additional information. Upon request, OSAD staff attorneys participate in community events to promote public awareness of expungement and sealing availability. This last fiscal year, OSAD participated in 42 community events.

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### **IV. PERSONNEL**

#### **ADMINISTRATIVE OFFICE**

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**MICHAEL J. PELLETIER**  
State Appellate Defender

Mr. Pelletier received his Juris Doctor from the John Marshall Law School in 1976 and was admitted to the Illinois Bar that year. He was employed as an Assistant Appellate Defender in the Third District Office of the State Appellate Defender from 1976 until 1978. He transferred to the First District Office of the State Appellate Defender in 1978 and was employed as an Assistant Appellate Defender until 1987. Mr. Pelletier was appointed Deputy Defender of the First District Office in September 1987. Theodore A. Gottfried, after serving 35 years as the State Appellate Defender, retired on December 31, 2007. The Illinois Supreme Court appointed Mr. Pelletier the State Appellate Defender, effective January 1, 2008, to a four-year term expiring December 31, 2011; in December 2011 he was reappointed to a second four-year term expiring December 31, 2015; and in November 2015, he was reappointed to a third four-year term expiring December 31, 2019.



Mr. Pelletier was appointed to serve on the Illinois Commission on Criminal Justice and Sentencing Reform by Governor Bruce Rauner. He is also a member of the Illinois Criminal Justice Information Authority, the Sentencing Policy Advisory Council, the Adult Redeploy Illinois Oversight Board, the Illinois State Bar Association and past member of the Criminal Justice Section Council of the Illinois State Bar Association. Additionally, he is a member of the Appellate Lawyers Association and past Board member of the Appellate Lawyers Association. He served as a commissioner on the Criminal Law Edit Align and Rewrite (CLEAR) Commission and the Illinois Disproportionate Justice Impact Study Commission.

Mr. Pelletier is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the United States Court for the Northern District of Illinois.

DAVID P. BERGSCHNEIDER  
Deputy State Appellate Defender

Mr. Bergschneider is a 1976 graduate of Marquette University Law School. After serving as a legislative aide through the Illinois Legislative Staff Internship Program, he joined the Office of the State Appellate Defender in 1977. He served as an Assistant Appellate Defender until 1993, when he was named Legal Director. In 2008, he became Deputy State Appellate Defender.

Since May 1992, he has edited the *Illinois Criminal Law Digest*. In addition, he is an author of the *Illinois Handbook of Criminal Law Decisions*, a joint publication of the Office of the State Appellate Defender and the Illinois State Bar Association. In June 2004, the Illinois State Bar Association awarded Mr. Bergschneider the Virgil E. Tipton Jr. Publications Award for his work on the Handbook.

He is also co-author of the *Handbook on the Preparation of Briefs and Oral Arguments* and has contributed to several handbooks published by the Illinois Institute for Continuing Legal Education. Mr. Bergschneider has also written *amicus curiae* briefs in two United States Supreme Court cases, is a former editor of the Illinois Attorneys for Criminal Justice newsletter, and has been a frequent contributor to newsletters for the Illinois State Bar Association Criminal Justice Section, the Illinois Attorneys for Criminal Justice and the National Legal Aid and Defender Association.

He served two terms on the Criminal Justice Section Council of the Illinois State Bar Association, including a term as Chairman. He was a member of the Criminal Justice Section Council Committee on a Long-Term Solution for Funding Criminal Appeals.

He served on the Long Term Prisoner Study Committee of the Illinois Legislature and on the Illinois Integrated Justice Information System Governing Board. He was also involved in drafting the legislation creating the Capital Litigation Trust Fund.

He has lectured at CLE programs sponsored by the Illinois State Bar Association, Illinois Public Defender Association, Illinois Attorneys for Criminal Justice, Cook County Public

Defender's Office, Office of the State Appellate Defender, Administrative Office of the Illinois Courts, and Wisconsin Public Defender. He is a recipient of the Illinois Public Defender Association Award for Excellence and Meritorious Service, and in 1996 was named a Distinguished Scholar of Marquette University. In 2016 he was awarded the Illinois Public Defender Association's Gideon Award in recognition of his achievements in defender training.

**JAMES E. CHADD**  
Deputy State Appellate Defender

Mr. Chadd received his Juris Doctor from the University of Illinois in 1984 and was admitted to the Illinois bar that same year. Mr. Chadd began work with the Supreme Court Unit as an Assistant Appellate Defender in 1984. He transferred to the First District Office in 1989. He became a Supervisor in 2002 and the Assistant Deputy Defender for the First District Office in 2010. On January 1, 2014, Mr. Chadd was appointed Deputy State Appellate Defender.

**TONYA JANECEK**  
Chief Fiscal Officer/Human Resource Director

Ms. Janecek joined the Office of the State Appellate Defender in July 1981 as a Fiscal Assistant in the Administrative Office. Ms. Janecek was appointed Chief Fiscal Officer on February 1, 1997. As Chief Fiscal Officer, Ms. Janecek is responsible for the coordination of all expenditures and vouchering procedures. She is also responsible for the preparation and filing of required fiscal and budgetary reports. As Human Resource Director, Ms. Janecek oversees the HR Department in the preparation of payroll and providing benefits information to agency employees.

**LAURA A. WEILER**  
Director of Training

Ms. Weiler received both her bachelor's degree and her law degree from the University of Notre Dame where she graduated with honors. She worked as an Assistant Appellate Defender for 11 years in the First District office and on December 1, 2012, she was promoted to Director of Training for the Office of the State Appellate Defender.

Ms. Weiler has appeared before the Illinois Supreme Court, the Seventh Circuit Court of Appeals, the Illinois Appellate Court, and the Circuit Court of Cook County. In 2012, Ms. Weiler received the James B. Haddad Award in recognition of her consistent high quality work and advocacy and her significant contributions to the improvement of the justice system.

At the end of FY-2016, the Administrative Office was staffed by 19 persons including the State Appellate Defender, 2 Deputy State Appellate Defenders, a Chief Fiscal Officer/Human Resource Director, a Director of Training, a Director of Support Services, a Systems



Administrator, a Director of Expungement, an IT Director, a Network/Applications Manager, 2 Support Specialists, a Senior Human Resource Assistant, a Human Resource Assistant, a Senior Fiscal Assistant, a Fiscal Assistant, a Project Assistant to the Director of Support Services, a Senior Administrative Assistant, and an Administrative Assistant.

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#### **FIRST DISTRICT OFFICE**

Office of the State Appellate Defender  
203 North LaSalle, 24<sup>th</sup> Floor  
Chicago, IL 60601  
Telephone: 312/814-5472  
FAX: 312/814-1447  
Email: [1stDistrict@osad.state.il.us](mailto:1stDistrict@osad.state.il.us)

PATRICIA MYSZA  
Deputy Defender

Ms. Mysza received her Juris Doctor from Loyola University School of Law in 1986 and was admitted to the Illinois bar that same year. She worked with the Fourth District office as an Assistant Appellate Defender from 1986 to 1988 and with the Supreme Court Unit from 1988 to 1990. She joined the First District office as an Assistant Appellate Defender in 1992. She became a supervisor in 2002. Ms. Mysza was appointed Deputy Defender of the First District Office effective July 1, 2015.

Ms. Mysza is admitted to practice in the Illinois Supreme Court, the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the United States District Court for the Northern District of Illinois and the Central District of Illinois.

At the end of FY-2016, the First District Office was staffed by 116 persons including the Deputy Defender, the Assistant Deputy Defender who also serves as a Supervisor, 10 additional Attorney Supervisors, 85 Assistant Appellate Defenders, a Director of the Paralegal Department, a Senior Paralegal, 3 Paralegals, 7 Legal Secretaries, 4 Docket Clerks, and 3 Office Clerks.

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#### **SECOND DISTRICT OFFICE**

Office of the State Appellate Defender  
One Douglas Avenue, 2<sup>nd</sup> Floor  
Elgin, IL 60120  
Telephone: 847/695-8822  
FAX 847/695-8959  
Email: [2ndDistrict@osad.state.il.us](mailto:2ndDistrict@osad.state.il.us)

THOMAS A. LILIEN  
Deputy Defender

Mr. Lilien received his Juris Doctor from Notre Dame Law School in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender as

an Assistant Appellate Defender in the Third District Office in October 1978 and worked there until his transfer to the Second District Office in 1988. Mr. Lilien continued to serve as an Assistant Appellate Defender until he assumed the Deputy Defender position as of January 1, 2006.

Mr. Lilien is admitted to practice in the Illinois Supreme Court and United States Supreme Court. He has served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law since 1986; the program provides student interns to the Second and Third District Offices. He is also a member of the Board of Directors of the Illinois Institute for Continuing Legal Education and the general editor of the Institute's publication *Defending Illinois Criminal Cases*.

At the end of FY-2016, the Second District Office was staffed by 26 persons, including the Deputy Defender, an Assistant Deputy Defender, 2 Supervisors, 16 Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

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### **THIRD DISTRICT OFFICE**

Office of the State Appellate Defender  
1100 Columbus Street  
770 E. Etna Road  
Ottawa, IL 61350  
Telephone: 815/434-5531  
FAX 815/434-2920  
Email: [3rdDistrict@osad.state.il.us](mailto:3rdDistrict@osad.state.il.us)

**PETER A. CARUSONA**  
Deputy Defender

Mr. Carusona received his Juris Doctor from Illinois Institute of Technology Chicago-Kent College of Law in 1978 and was admitted to the Illinois Bar that same year. He joined the Office of the State Appellate Defender in the Third District Office in March 1978. Mr. Carusona became a supervisor in October 2008 and was appointed as Deputy Defender of the Third District Office in November 2010.

Mr. Carusona is admitted to practice before the United States Supreme Court and the Illinois Supreme Court. He has served as an adjunct faculty member co-teaching an appellate advocacy course at Northern Illinois University College of Law since 1988; the program provides student interns to the Second and Third District Offices.

At the end of FY-2016, the Third District Office was staffed by 20 persons, including the Deputy Defender, an Assistant Deputy Defender who also serves as a Supervisor, one other Supervisor, 12 Assistant Appellate Defenders, an Office Administrator, a Paralegal, a Docket Clerk and 2 Legal Secretaries.



#### **FOURTH DISTRICT OFFICE**

Office of the State Appellate Defender  
400 West Monroe, Suite 303  
Post Office Box 5240  
Springfield, IL 62705-5240  
Telephone: 217/782-3654  
FAX 217/524-2472  
Email: [4thDistrict@osad.state.il.us](mailto:4thDistrict@osad.state.il.us)

#### **JACQUELINE L. BULLARD**

Deputy Defender

Jacqueline Bullard received her Juris Doctor degree from the University of Illinois College of Law and was admitted to the Illinois Bar in 1997. That same year, Ms. Bullard joined the Fourth District Office of the State Appellate Defender, where she represented clients as an Assistant Appellate Defender until her appointment to the Fourth District Deputy Defender position in April 2014.

Ms. Bullard is an appointed Commissioner on the Illinois Juvenile Justice Commission, is the agency representative on the Illinois Sex Offender Management Board, and is a former board member of the Illinois Juvenile Justice Initiative. Ms. Bullard writes on juvenile justice topics and is an active participant in systemic reform efforts at the state and national level related to children in conflict with the law. Ms. Bullard is a frequent presenter at seminars on criminal, delinquency, and appellate topics. Ms. Bullard was the 2012 recipient of the National Juvenile Defender Center's Robert E. Shepherd Jr. Award for Excellence in Juvenile Defense and the 2014 Office of the State Appellate Defender James B. Haddad Award.

At the end of FY2016, the Fourth District Office was staffed by 25 persons, including the Deputy Defender, 3 Supervisors, 15 Assistant Appellate Defenders, a Paralegal, an Office Administrator, a Docket Clerk, and 3 Legal Secretaries.

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#### **FIFTH DISTRICT OFFICE**

Office of the State Appellate Defender  
909 Water Tower Circle  
Mt. Vernon, IL 62864  
Telephone: 618/244-3466  
FAX 618/244-8471  
Email: [5thDistrict@osad.state.il.us](mailto:5thDistrict@osad.state.il.us)

#### **ELLEN JENKINS CURRY**

Deputy Defender

Ellen Jenkins Curry graduated with a juris doctorate from the SIU School of Law in May 1986. She was admitted to practice that year and began work as a solo practitioner in her hometown of Benton, IL, and also served as an assistant Franklin County Public Defender.

In December 1992, Ms. Curry began working as a law clerk for Justice William A. Lewis of the Fifth District Illinois Appellate Court. When Justice Terrance J. Hopkins was elected in 1994, Ms. Curry began working for him as a law clerk, where she remained through December 2002. On January 2, 2003, Ms. Curry resumed private practice in Benton, IL, specializing in appellate practice and serving as a Special Franklin County Public Defender. In December 2006, she began working as a law clerk for Justice Bruce D. Stewart of the Fifth District Illinois Appellate Court. She worked there until appointed to serve as the Deputy of the Fifth District Office of the State Appellate Defender on January 1, 2013.

Ms. Curry is licensed to practice before the United States Supreme Court, the Illinois Supreme Court, the Seventh Circuit Court of Appeals, and the United States District Court for the Southern District of Illinois.

At the end of FY-2016, the Fifth District Office was staffed by 16 persons, including the Deputy Defender, Assistant Deputy Defender, 9 Assistant Appellate Defenders, a Paralegal, an Office Administrator, and 3 Legal Secretaries.

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## V. BOARD OF COMMISSIONERS

**CHAIR - THOMAS M. BREEN**, born Evanston, Illinois, January 24, 1947, admitted to bar, 1972, Illinois; 1979, U.S. District Court, Northern District of Illinois; 1992, U.S. District Court, Central District of Illinois. **Education:** University of Notre Dame (A.B., 1969); Loyola University (J.D., 1972). Recipient: American Bar Association Pro Bono Public Award, 1996; Public Interest Law Institute, Distinguished Public Service Award, 1996; Mexican American Legal Defense and Education Fund, Legal Service Award, 1996. Assistant State's Attorney, Cook County, 1972-1978. Special Assistant State's Attorney, Livingston County, 1978-1981, 1984. Appointed, Illinois Supreme Court Committee on Criminal Jury Instructions, 1988-1992. Recipient, Illinois Public Defender Association of Excellence, 1990, Illinois Association of Criminal Defense Lawyers Lifetime Achievement Award, 2012. **Member:** Chicago (Member, Judicial Evaluation Committee, 1984-1989; 1991-1996) and American (Member, Sections on: Criminal Justice; Litigation) Bar Associations; National Association of Criminal Defense Attorneys; National Directory of Criminal Defense Lawyers. Fellow, American College of Trial Attorneys. (Commissioned U.S.A.R., 1972; Captain, 1978); Best Lawyers in America (1995 to present); Super Lawyers (2005-present). Presenter at various MCLE courses. **PRACTICE AREAS:** Criminal, Trial Practice; Appellate Practice; Attorney Discipline; Professional Practices.

**KIM D. CAMPBELL** - is an attorney and adjunct professor with 22 years of experience practicing law, most recently serving as McLean County's Chief Public Defender from July 2010 to August 2014. Prior to that appointment, Kim served as McLean County's First Assistant State's Attorney for eight years. Kim graduated from ISU in 1990 and earned her juris doctorate from Chicago-Kent College of Law in 1993. Prior to returning to McLean County in 1995, she worked in private firms



practicing criminal defense. She has past experience in criminal appeals work for the Second District State Appellate Defender's office.

Kim is an adjunct professor at Illinois State University and Lincoln College, currently teaching Legal Writing, Criminal Law, Organization and Management in Criminal Justice Agencies, Criminal Procedure, and Women in Criminal Justice. She is a frequent guest lecturer at community events, clubs and schools. Kim is a past President of the McLean County Juvenile Justice Council; a member of the Board of Governors of the McLean County Bar Association; a past member of the McLean County Drug Court team; a past non-voting member of the Recovery Starts today board; past member of MAPP (Minority and Police Partnership); and a past member of the Executive committee of the Criminal Justice Coordinating Council.

**HONORABLE ABISHI C. CUNNINGHAM Jr. (Retired)** - Judge Cunningham served as Cook County Public Defender from April 2009 to March 2015 and brought decades of experience as a defense attorney, a prosecutor and a judge to the position. Prior to becoming the Cook County Public Defender, he served on the Cook County Circuit Court from 1986 to 2009 where he presided over thousands of bench trials and hundreds of jury trials in both criminal and civil cases. His last assignment was to the Law Division, where he presided over civil jury trials in areas that included personal injury/wrongful death, motor vehicle injury, medical malpractice, product liability, commercial litigation and breach of contract.

Judge Cunningham graduated from Fisk University in 1969 with a Bachelor of Science Degree and from Northwestern University School of Law in 1972. He served as legal advisor to the State Superintendent of Public Instruction from 1972-1973 when he left to join the Cook County State's Attorney's office as a felony trial assistant and then as Chief of the Vertical Prosecutions Unit. In 1976, Judge Cunningham joined the Criminal Defense Consortium of Cook County as a Supervising Attorney working out of the Lawndale office of the Consortium. The Consortium consisted of a network of five community-based law offices providing criminal defense services for indigent residents of the community accused in felony, misdemeanor and juvenile cases.

After a period in private practice as a litigator in criminal and civil defense, Judge Cunningham rejoined the Office of the Cook County State's Attorney, where he supervised 40 Assistant States Attorneys responsible for prosecuting all criminal misdemeanor and quasi-criminal cases in the City of Chicago, as well as advising the office on legislative issues. He left this position to join the bench in 1986.

Judge Cunningham was appointed by the Chief Judge to mentor newly appointed and elected judges, and is certified in Comprehensive mediation in the State of Illinois. His professional affiliations include membership in the American Bar Association, the National Bar Association, the Cook County Bar Association and the Chicago Bar Association, the Illinois Public Defender Association and the National Legal Aid and Defender Association. He has been an adjunct professor in the Political Science Department at the University of Illinois at Chicago, and was also an adjunct professor at the DePaul University School of Law and the John Marshall School of Law.

**GARY A. DOBBS** - Mr. Dobbs graduated from Northern Illinois University with a B.S. in Journalism in 1978 and received his J.D. from DePaul University in 1981. He practiced law in Chicago at Kaplan, Sorosky & Hoffman from 1981 until April of 1983, at which time he moved to Morris, Illinois and became a partner in the law firm of Adcock & Dobbs. In 1987 Mr. Dobbs opened the Law Office of Gary A. Dobbs. In addition to maintaining his solo practice, he became an Assistant Public Defender in Grundy County in 1993. In October 2015, he was appointed the Grundy County Public Defender. He has taught Business Law at Joliet Junior College and has been a member of the American Bar Association, the Association of Trial Lawyers and the Illinois State Bar Association and is currently a member of the Grundy County Bar Association. Mr. Dobbs was admitted to practice as an Attorney and Counselor in the Illinois Supreme Court in November 1981 and the Supreme Court of the United States of America in July 1995. He has served as past president of the Illinois Organ Transplant Fund and the Grundy County Bar Association.

**HONORABLE JAMES K. DONOVAN** - (Retired) Justice James K. Donovan received his J.D. degree from St. Louis University School of Law and has been licensed to practice law in the State of Illinois since 1978. He served as an Assistant State's Attorney and Public Defender in St. Clair County, Illinois. He served a total of 24 years as a member of the Illinois Judiciary. He was a trial judge for 14 years in the Twentieth Judicial Circuit and retired as an appellate court justice after serving 10 years on the Fifth District Appellate Court in Mount Vernon, Illinois. Judge Donovan retired in December of 2012.

**HONORABLE R. PETER GROMETER** - (Retired) Justice R. Peter Grometer was born and raised in Aurora, Illinois. He attended Michigan State University where he earned a Bachelor of Arts degree in Economics and Business in 1968. He received his J.D. from the University of Illinois in 1973. He served in the United States Army from 1969 through 1972. After law school, he returned to Aurora and practiced with the law firm of Alschuler, Putnam, McWethy, Funkey & Grometer from 1973 to 1985.

In 1985, he was appointed an Associate Circuit Judge of the 16th Judicial Circuit which encompasses Kane, Kendall and DeKalb Counties, Illinois. In 1992, he was elected Circuit Judge for the 16th Judicial Circuit and served as its Chief Judge from 1996 to 1998. In 2001, Judge Grometer was appointed Justice of the Illinois Appellate Court, Second District and served as a member of the Illinois Appellate Court and the Illinois Appellate Court Workers' Compensation Division until 2009. Justice Grometer retired from the Illinois Appellate Court in 2009.

Justice Grometer is a past president and member of the Aurora Rotary Club, Past President and Director of Mental Health and Mental Rehabilitation, Inc., Director of Aurora Juvenile Protective Association, District Governor of the Boy Scouts of America, a former member of the Board of Education of School District 129, and Vice President of the Board of Directors of Presence Mercy Medical Center.



Justice Grometer is Counsel to the firm of Mahoney, Silverman & Cross, LLC and chairs the firm's Appellate Practice Group which includes three attorneys who have clerked for Justices of the Illinois Appellate Court and a United States District Court Judge. Justice Grometer's practice area includes Appellate Practice and Business and Corporate Transactional Law, Litigation and Mediation.

**REBECCA JANOWITZ** - Ms. Janowitz graduated with a B.A. degree from the University of Sussex, Falmer, England in 1973. She received her J.D. degree from Loyola University Chicago in 1976. She served as a staff attorney for South Dakota Legal Services from 1977 to 1979, representing indigent Native Americans in federal, state and tribal court. She practiced law in Chicago as a partner in the firm of Pecquet and Janowitz from 1979 to 1995. From 1995 to 2011, she worked for City of Chicago, the Chicago Public Schools and finally, the Cook County Sheriff's Office. She focused increasingly on the role of education in reentry for people released from jails and prisons. In 2011, she joined the Cook County Justice Advisory Council as the Special Assistant for Legal Affairs. In 2008, she received a Masters degree from the Harris School of Public Policy at the University of Chicago.

**KATHRYN SALTMARSH** - Kathy came to the Illinois Sentencing Policy Advisory Council (SPAC) in 2010 from the position of Legislative Affairs Director for the Office of the Illinois Attorney General. Before working for the Attorney General, Kathy did appellate and legislative work for the Office of the State Appellate Defender where she was actively involved in the negotiation and passage of death penalty reform legislation. She also had the opportunity to serve as co-director of the Criminal Law Edit, Alignment and Reform (CLEAR) Commission. The CLEAR Commission drafted the statute that created SPAC and sponsored multiple bills to simplify and modernize the Illinois Criminal Code and Code of Corrections.

Kathy graduated Magna Cum Laude from the University of Illinois College of Law in 1992 and moved to Springfield to begin her legal career. As an associate with the law firm of Metnick, Wise, Cherry & Frazier, she practiced both civil and criminal law. Kathy lost all interest in civil practice and embarked on her public service career focusing on criminal justice after her experience on the post-conviction legal team for a wrongfully convicted death-row inmate who was released after 17 years in prison (12 on death row).

Prior to law school, Kathy learned everything she needed to know about the intersection of policy and politics from her work on the Washington staff of Senator Paul Simon.

**HONORABLE MICHAEL P. TOOMIN** - Justice Toomin was named Presiding Judge of the Juvenile Justice Division of the Cook County Circuit Court in December 2010 after completion of a two-year assignment with the First District Appellate Court. Following his service in the United States Marine Corps (1956-58), Justice Toomin received a B.A. in 1962 from Northwestern University and his J.D. from DePaul University College of Law in 1967. He began his career in the Cook County Public Defender's Office as a felony trial assistant and later entered private practice

concentrating in the defense of criminal cases in federal and state courts. Toomin was appointed an associate judge of the Circuit Court of Cook County in 1980 and was elected a circuit judge in 1984. In 1994, he was appointed a supervising judge in the Criminal Division, and in 2000 he was named acting Presiding Judge of the Criminal Division. In his judicial career, Justice Toomin handled some 630 murder cases and presided over more than 400 jury trials.

Justice Toomin served as the chair of the Special Supreme Court Committee on Capital Cases from 2001 until he resigned his position in November 2010. He formerly served as a commissioner of the CLEAR Initiative, which was created to reform and review the Illinois Criminal Code. He previously served as the chair of the Committee on Criminal Law and Probation Administration of the Illinois Judicial Conference, as vice-chair of the Cook County Criminal Justice Coordinating Council and the chair of the Chicago Bar Association's Defense of Prisoners Criminal Law Committees. Toomin was also a member of the Illinois Senate Criminal Justice System Task Force. From 1983 to 2000, Justice Toomin served as an adjunct professor at Northwestern University School of Law in the area of litigation and trial practice. He is an active participant in the training and continuing legal education of judges and attorneys throughout the State.



**VI.**

**STATISTICS**

**FOR**

**FISCAL YEAR-2016**

**Office of the State Appellate Defender**  
**Agency Activity Statistics**  
For The Period Of: 7/1/2015 To 6/30/2016

	1st Dist	2nd Dist	3rd Dist	4th Dist	5th Dist	TOTAL
<b><u>APPOINTMENTS</u></b>	1,373	379	345	446	212	2755
<b><u>LATE NOTICES</u></b>						
Filed	95	30	35	41	5	206
Granted	98	34	32	37	5	206
<b><u>COMPLETE RECORDS</u></b>						
Trial	778	147	114	123	123	1223
Non-Trial	471	228	156	232	118	1205
<b><u>AC BRIEFS &amp; PETITIONS</u></b>						
Appellate Court Briefs	837	195	130	168	73	1403
Appellate Court Resp Briefs	8	6	3	2	6	25
Reply Briefs	811	132	108	153	41	1245
Supplemental Briefs	48	1	1	11	2	63
Petitions for Rehearing	180	11	17	10	6	224
<b><u>ISC BRIEFS &amp; PETITIONS</u></b>						
Petitions for Leave to Appeal	250	31	23	29	13	346
ISC Briefs	4	2	1	2	0	9
ISC Response Briefs	4	0	1	2	0	7
ISC Reply Briefs	6	2	2	1	0	11
ISC Cross Reply Briefs	0	0	0	1	0	1
ISC Supplemental Briefs	0	0	0	0	0	0
ISC Petitions for Rehearing	1	2	0	0	1	4
<b><u>FED CRTS BRIEFS &amp; PETITIONS</u></b>						
7th Circuit Briefs	1	0	0	0	0	1
7th Circuit Response Brief	0	0	0	0	0	0
7th Circuit Reply Brief	1	0	0	0	0	1
USSC Certiorari Petitions	7	3	1	0	1	12
USSC Brief	0	0	0	0	0	0
USSC Response Brief	0	0	0	0	0	0
USSC Reply Brief	0	0	0	0	0	0
USSC Supplemental Brief	0	0	0	0	0	0
USSC Petition for Rehearing	0	0	0	0	0	0
<b><u>ANDERS BRIEFS</u></b>						
Filed	71	28	10	1	3	113
Denied	0	1	1	1	0	3
<b><u>FINLEY MOTIONS</u></b>						
Filed	157	36	24	8	15	240



Denied	1	1	1	0	0	3
<b><u>MOTIONS TO WITHDRAW</u></b>						
Filed	32	26	20	16	15	109
Denied	1	0	0	0	0	1
<b><u>MOTIONS TO DISMISS</u></b>						
Filed	125	43	73	104	32	377
Denied	2	0	0	0	0	2
<b><u>SUMMARY MOTIONS</u></b>	62	38	16	36	17	169
<b><u>ORAL ARGUMENTS</u></b>						
Appellate Court	90	41	33	37	32	233
ISC Court	15	3	4	3	1	26
7th Circuit Court	0	0	0	0	0	0
US Supreme Court	0	0	0	0	0	0
<b><u>CLOSED CASES</u></b>	1,333	380	303	308	131	2455

<b><u>Decision Type</u></b>	<b>1st Dist</b>	<b>2nd Dist</b>	<b>3rd Dist</b>	<b>4th Dist</b>	<b>5th Dist</b>	<b>TOTAL</b>
<b><u>Defense Appeals</u></b>						
Affirmed	472	98	65	77	27	739
Consolidated	28	11	5	13	1	58
Dismissed	134	47	74	102	32	389
Mitt Corrected (other than sent credit)	23	0	0	1	0	24
Remanded	25	15	21	42	11	114
Remanded in Part	68	34	10	6	2	120
Remanded Sentence Only	9	0	4	14	0	27
Reversed	23	4	2	3	1	33
Reversed in Part	8	5	3	3	0	19
Reversed/Remanded	96	33	30	25	12	196
Sentence Credit (pre-trial)	10	0	0	0	1	11
Sentence Reduction	4	1	7	1	0	13
State Relief/Deft Appeal	0	0	0	0	0	0
Vacated	18	0	1	1	1	21
Vacated in Part	152	34	11	20	2	219
Vacated/Remanded	13	1	2	1	5	22
WD Anders All/Aff	59	28	9	4	5	105
WD Finley All/Aff	137	32	26	9	10	214
WD Misc.	96	28	18	22	16	180
<b><u>State Appeals</u></b>						
SA Affirmed	3	2	2	4	9	20
SA Remanded	0	3	0	0	0	3
SA Reversed	0	0	1	0	1	2
<b>Decision Total</b>	<b>1378</b>	<b>376</b>	<b>291</b>	<b>348</b>	<b>136</b>	<b>2529</b>

Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2015 through 6/30/2016

Total Appointments: 2,755

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
1st District	1,373		
		Cook	1,373
2nd District	379		
		Boone	19
		Carroll	2
		DeKalb	16
		DuPage	77
		JoDaviess	2
		Kane	99
		Kendall	9
		Lake	63
		Lee	7
		McHenry	10
		Ogle	5
		Stephenson	13
		Winnebago	57
3rd District	345		
		Bureau	4
		Fulton	1
		Grundy	4
		Hancock	2
		Henry	13
		Iroquois	9
		Kankakee	36
		Knox	7
		LaSalle	19
		Marshall	1
		McDonough	2
		Mercer	1
		Peoria	80
		Rock Island	30



Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2015 through 6/30/2016

Total Appointments: 2,755

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
4th District	446	Tazewell	11
		Warren	1
		Whiteside	14
		Will	110
		Adams	19
		Brown	2
		Calhoun	1
		Cass	2
		Champaign	105
		Clark	2
		Coles	23
		Cumberland	3
		DeWitt	1
		Douglas	6
		Ford	6
		Greene	1
		Jersey	2
		Livingston	24
		Logan	14
		Macon	60
		Macoupin	5
		Mason	4
		McLean	77
		Morgan	5
		Moultrie	2
		Piatt	1
		Pike	3
		Sangamon	35
		Schuyler	2
		Vermilion	28

Office of the State Appellate Defender  
Annual Report - Appts By County  
7/1/2015 through 6/30/2016

Total Appointments: 2,755

Appellate Court District	Total Appointment By AC District	County Name	Total Appointment By County
5th District	212	Woodford	13
		Alexander	3
		Bond	3
		Christian	3
		Clay	4
		Clinton	3
		Edwards	4
		Effingham	7
		Fayette	1
		Hamilton	1
		Jackson	19
		Jefferson	7
		Johnson	3
		Lawrence	2
		Macoupin	1
		Madison	25
		Marion	15
		Massac	2
		Monroe	3
		Montgomery	6
		Perry	7
		Randolph	4
		Saline	8
		Shelby	2
		St. Clair	61
		Union	5
		Wabash	1
		Wayne	1
		White	4
		Williamson	7



# Office of the State Appellate Defender Caseload Information

## Statistics for Fiscal Year 2016

### Agency Offices

	1st	2nd	3rd	4th	5th	Total
Ending FY 15 Cases Pending	3,184	791	501	685	434	5595
FY 2016 Appointments	1,373	379	345	446	212	2,755
FY 2016 Closed Case	(1,333)	(380)	(303)	(308)	(131)	(2455)
FY 2016 Incoming Transfers	198	32	10	29	14	283
FY 2016 Outgoing Transfers	(5)	(53)	(71)	(129)	(25)	(283)
Adjustment for Reopened Cases	(10)	0	0	(3)	(1)	(14)
<b>FY 2016 Total Cases Pending</b>	<b>3,461</b>	<b>732</b>	<b>567</b>	<b>705</b>	<b>416</b>	<b>5,881</b>

### Decisions Information

AC Decisions	1,407	380	295	349	136	2,567
AC Relief Granted	452	132	94	122	43	843
<b>AC Percent Relief</b>	<b>32.15%</b>	<b>34.55%</b>	<b>31.86%</b>	<b>34.96%</b>	<b>31.62%</b>	<b>32.82%</b>

<b>Leave to Appeal Granted</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>8</b>
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SC Decisions	16	4	5	1	1	27
SC Relief Granted	6	1	2	1	0	10
<b>SC Percent Relief</b>	<b>37%</b>	<b>25%</b>	<b>40%</b>	<b>100%</b>	<b>0%</b>	<b>37%</b>

